

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION



EMPIRE INDEMNITY INSURANCE
COMPANY,

SCHLESINGER, JR. / THE POLITICAL PARTIES 113

Plaintiff,

V.

Case No. 4:11cv166
(Judge Clark/Judge Mazzant)

N/S CORPORATION, JALIN, LTD.,
D/B/A MY CAR WASH, LIBERTY
SURPLUS INSURANCE CORPORATION,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 10, 2012, the report of the Magistrate Judge was entered containing proposed findings and recommendations that Defendant Liberty Surplus Insurance Corporation's Motion to Dismiss for Lack of Subject Matter Jurisdiction pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(h)(3) [Doc. #76] be granted.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, this court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is, therefore, **ORDERED** that Defendant Liberty Surplus Insurance Corporation's Motion to Dismiss for Lack of Subject Matter Jurisdiction pursuant to Federal Rules of Civil Procedure

12(b)(1) and 12(h)(3) [Doc. #76] is GRANTED. Liberty Surplus Insurance Corporation is DISMISSED without prejudice for lack of subject matter jurisdiction.

So **ORDERED** and **SIGNED** this **7** day of **September, 2012**.



Ron Clark
Ron Clark, United States District Judge